

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VICTORIA A. AMELINA, an
individual; and A.A.; D. S and B.S.,
each individuals and minors by and
through their Guardian Ad Litem,
Victoria A. Amelina,
Plaintiffs,
v.
MANUFACTURERS AND TRADERS
TRUST COMPANY aka M&T BANK,
SAFEGUARD PROPERTIES, LLC, and
THE WOLF LAW FIRM, A Law
Corporation,
Defendants.

Case No.: 3:14-cv-01906-WQH-NLS

**NOTICE OF TELEPHONIC EARLY
NEUTRAL EVALUATION AND
CASE MANAGEMENT
CONFERENCE; AND ORDER
SETTING RULE 26 COMPLIANCE**

The Court previously held an Early Neutral Evaluation (“ENE”) in this case, and directed the parties to contact the undersigned’s chambers once the motions to dismiss were resolved to hold a further telephonic ENE. On July 21, 2016, the Court ruled on Defendants’ motions to dismiss, and on August 2, 2016, Defendants Safeguard Properties and Manufacturers and Traders Trust Company filed their Answers to the Third Amended Complaint. In light of the posture of this case, in that Defendants have

1 answered the operative complaint, the Court now **ORDERS:**

2 1. Counsel must appear **telephonically** on **September 2, 2016** at **9:30 a.m.**
3 before Magistrate Judge Stormes for a further Early Neutral Evaluation and a Case
4 Management Conference pursuant to Federal Rule of Civil Procedure 16(b). Plaintiff's
5 counsel must arrange the telephonic conference.

6 2. The Rule 26(f) conference must be completed by **August 18, 2016.**

7 3. The parties must lodge a Joint Discovery Plan with Judge Stormes by
8 **August 25, 2016.** The Joint Discovery Plan must address all points in the attached
9 "Model Rule 26(f) Report and Joint Case Management Statement."

10 4. Initial disclosures pursuant to Rule 26(a)(1)(A-D) must occur by **August 25,**
11 **2016.**

12 Plaintiffs' counsel must serve a copy of this order on all parties that enter the case
13 from this point forward. Each responsible attorney of record and all parties representing
14 themselves must participate in the conference. Represented parties need not participate.

15 **IT IS SO ORDERED.**

16 Dated: August 4, 2016



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18 Hon. Nita L. Stormes
19 United States Magistrate Judge
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: CASE MANAGEMENT

**MODEL RULE 26(f) REPORT AND
JOINT CASE MANAGEMENT
STATEMENT**

[insert CMC Date and Time]

The parties must include the following information in their Rule 26(f) report and joint case management statement.¹ Except in unusually complex cases the statement should not exceed 10 pages.

1. **Jurisdiction and Service:** The basis for the court's subject matter jurisdiction over the plaintiff's claims and counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.

2. **Facts:** A brief chronology of the facts and a statement of the principal factual issues in dispute.

3. **Legal Issues:** A brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions.

4. **Motions:** All prior and pending motions, their current status, and any anticipated motions.

¹ This Model Report is taken largely from the Standing Order for All Judges of the Northern District of California effective July 1, 2011 (Last Revised November 1, 2014).

1 5. **Amendment of Pleadings:** The extent to which parties, claims, or defenses
2 are expected to be added or dismissed and a proposed deadline for amending the
3 pleadings.

4 6. **Evidence Preservation:** A brief report certifying that the parties have met
5 and conferred pursuant to Fed.R.Civ.P. 26(f) regarding reasonable and proportionate
6 steps taken to preserve evidence relevant to the issues reasonably evident in this action.

7 7. **Disclosures:** Whether there has been full and timely compliance with the
8 initial disclosure requirements of Fed.R.Civ.P. 26, and a description of the disclosures
9 made.

10 8. **Discovery:** Discovery taken to date, if any, the scope of anticipated
11 discovery, any proposed limitations or modifications of the discovery rules, a brief report
12 on whether the parties have agreed to a proposed Electronic Discovery Order, a proposed
13 Protective Order to govern the exchange of confidential information, a proposed
14 discovery plan pursuant to Rule 26(f), and any identified discovery disputes.

15 9. **Class Actions:** If a class action, a proposal for how and when the class will
16 be certified.

17 10. **Related Cases:** Any related cases or proceedings pending before another
18 judge of this court, or before another court or administrative body.

19 11. **Relief:** All relief sought through complaint or counterclaim, including the
20 amount of any damages sought and a description of the bases on which damages are
21 calculated. In addition, any party from whom damages are sought must describe the
22 bases on which it contends damages should be calculated if liability is established.

23 12. **Settlement and Mediation:** Prospects for settlement, settlement efforts to
24 date, and whether the parties have been to or are planning to go to private mediation.

25 13. **Consent to Magistrate Judge for All Purposes:** Whether all parties will
26 consent to have a magistrate judge conduct all further proceedings including trial and
27 entry of judgment. ___yes ___no

28 If yes, please fill out the attached consent form and lodge it with the district judge.

14. **Other References:** Whether the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. **Narrowing of Issues:** Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial (e.g. through summaries or stipulated facts), and any request to bifurcate issues, claims, or defenses.

16. **Scheduling:** Proposed dates for fact discovery cutoff, expert designations and exchange of expert reports, expert discovery cutoff, dispositive motions cutoff, Markman hearing (in patent cases), pretrial conference and trial.

17. **Trial:** Whether the case will be tried to a jury or to the court and the expected length of trial.

18. **Disclosure of Non-party Interested Entities or Persons:** Whether each party has filed the "Notice of Party with Financial Interest" required by Civil Local Rule 40.2. In addition, each party must restate in the case management statement the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.

19. **Professional Conduct:** Whether all attorneys of record for the parties have reviewed Civil Local Rule 83.4 on Professionalism.

20. **Miscellaneous:** Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

Dated: _____

Attorney for Plaintiff(s)

Dated: _____

Attorney for Defendant(s)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

VICTORIA A. AMELINA,

Plaintiff(s)

Case No.: 3:14-cv-01906-WQH-NLS

v.

**NOTICE, CONSENT, AND
REFERENCE OF A CIVIL ACTION TO
A MAGISTRATE JUDGE**

MANUFACTURERS AND TRADERS
TRUST COMPANY aka M&T BANK,
SAFEGUARD PROPERTIES, LLC, and THE
WOLF LAW FIRM, A Law Corporation,
Defendant(s)

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties ☐ Consent / ☐ Do Not Consent

to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Printed Names</i>	<i>Signatures of parties and attorneys</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

REFERENCE ORDER

IT IS ORDERED: This case is referred to United States Magistrate Judge Nita L. Stormes, to conduct all proceedings and order entry of a final judgment in accordance with 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and CivLR 73.1.

 Date

 United States District Judge